

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF VIRGINIA
Richmond Division**

In re: Anthony L. Walker , Debtor.
P.O. Box 1194
Prince George, VA 23875
Last Four SS# 4019

Case No. 14-36137
Chapter 13

MOTION TO CONTINUE AUTOMATIC STAY

COMES NOW The Debtor Anthony L. Walker, by counsel, Christopher M. Winslow, pursuant to 11 U.S.C. § 362(c)(3)(B) the debtor requests that the Court grant an extension of the automatic stay as to all creditors, as to the debtor and **the debtor's property, and as to the property of the estate for the duration of this Chapter 13 proceeding.**

1. Jurisdiction of this Court over the instant matter is based upon 28 U.S.C. §§1334 and 157 in that this action arises in and relates to this bankruptcy case of the debtor, filed in this Court on November 14, 2014.
2. This proceeding is a core proceeding under 28 U.S.C. §157(b)(2)(A), (B), (K), and (O).
3. Venue is proper pursuant to 28 U.S.C. §1409.
4. On November 14, 2014 the Debtor filed in this Honorable Court a petition for relief under Chapter 13 of the Bankruptcy Code, 11 U.S.C. §§ 1301 et seq. (the "instant case"). Carl M. Bates was appointed to serve as Chapter 13 Trustee in this case.
5. The Debtor has filed one previous bankruptcy in the last eight years. Case# 13-12136, filed under Chapter 13 on August 27, 2013 and dismissed on July 2014. The prior case was dismissed because of failure to make plan payments Pursuant to 11 USC 1307(c)(4), 1307(c)(6).
6. The instant case was filed on November 14, 2014 which is within one year of the July 2014 dismissal date of the prior bankruptcy thus triggering the provision of 11 U.S.C. 362(c)(3).
7. The instant case has a presumption that it was not filed in good faith because the prior case was

dismissed for default in making the payments under a confirmed Chapter 13 plan.

8. The automatic stay will expire on December 14, 2014 which is 30 days after this case was filed.

9. The Debtor has filed this case in good faith. The Debtor will file a confirmable plan with the Court. The Debtor anticipates that he will be able to fully perform under the terms of the plan.

10. The Debtor's prior case was not dismissed because the debtor failed to file or amend her petition or any required documents, or to provide adequate protection ordered by the Court.

11. The Debtor's prior bankruptcy was not dismissed at a time when there had been a motion for Relief that was pending before the court or resolved with an order terminating, conditioning or limiting the stay.

12. There has been a change in circumstances since the debtor's prior bankruptcy. The debtor was in the prior bankruptcy for approximately one year and two months. He was unable to remain current on his Chapter 13 payment plan. The debtor was unemployed from August 2014 to November 2, 2014. He was effectively unable to pay the back payments on the case and continue to pay for his current payments when he became unemployed.

He also incurred extraordinary additional expenses as a result of moving from New York to Virginia.

13. The debtor currently has stable full-time employment with Amazon as a stower working 40 hours per week.

14. In the instant case, Debtor has proposed a Chapter 13 Plan that commits all of his disposable income, of \$100 per month for a period of one month and \$220 per month for 59 months, to pay the Trustee for a period of 60 months. The plan provides a distribution of 10% to the unsecured creditors.

WHEREFORE, for the foregoing reasons, the Debtor respectfully requests that this Court enter an Order extending the automatic stay under 11 U.S.C. § 362 as to all creditors, as to the debtor and the debtor's property, and as to the property of the estate for the duration of this Chapter 13 proceeding, or until such time as the stay is terminated under § 362 (c) (1) or (c) (2), or a motion for relief is granted under § 362(d) and for such other and further relief as to the Court shall be deemed appropriate.

Respectfully submitted, Anthony L. Walker

By: /s/ Christopher Mark Winslow, Esquire

Law Office of Christopher Mark Winslow, PLLC
1324 Sycamore Square Ste 202C
Midlothian, VA 23113
(804) 423-1382 (Ph)

CERTIFICATE OF SERVICE

I certify that on December 3, 2014, a copy of this Memorandum in Support of Debtors' Motion to Continue the Automatic Stay was mailed via first-class mail, postage full pre-paid, to Carl M. Bates, Trustee P.O. Box 1819 Richmond, VA 23218, the United States Trustee, 701 E Broad St, Suite 4304, Richmond, VA 23219 and all creditors as set forth on the attached mailing matrix.

/s/ Christopher Mark Winslow, Esq
Counsel for Debtor

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NOTICE OF MOTION

Christopher M. Winslow, Attorney for the Debtor having filed papers with the court to
Extend the Automatic Stay

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.)

If you do not want the court to grant the relief sought in the Motion, or if you want the court to
Consider your views on the Motion then on or before **December 10, 2014** , you or your attorney must:

(1) File with the court, at the address shown below, a written request for a hearing [or a written response pursuant to Local Bankruptcy Rule 9013-1(H)]. If you mail your request for hearing (or response) to the court for filing, you must mail it early enough so the court will **receive** it on or before the date stated above.

Clerk of Court
United States Bankruptcy Court
701 E. Broad Street, Room 4000
Richmond, VA 23219

You must also mail a copy to:

Office of the U.S. Trustee
701 E. Broad Street, Room 4304
Richmond, VA 23219

Carl M. Bates, Trustee
P.O. Box 1819
Richmond, VA 23218

(2) Attend the hearing on the motion scheduled to be held on **December 10, 2014 at 12:00 p.m. Noon**
at

United States Bankruptcy Court, 701 East Broad Street, Room 5100, Richmond, Virginia 23219

If you or your attorney do not take these steps, the court may decide that you do not oppose the relief sought in the motion and may enter an order granting that relief.

Date: December 3, 2014

/s/ Christopher Mark Winslow, Esq
Counsel for Debtor

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AFFIDAVIT of Anthony L. Walker

BEFORE ME, the undersigned authority, personally appeared Jennifer Long, known to me, and upon their oath stated as follows:

1. My name is Anthony L. Walker. I am above the age of 18 years and competent to make this affidavit. I have personal knowledge of the facts set forth in this affidavit.
2. I am the Debtor in the present bankruptcy case.
3. I reside at 2200 Bailey Bridge Road Prince George, VA 23875.
4. Prior to this case, I was involved in a previous case.
 - a. The dismissed case was filed on August 27, 2013. This case was confirmed on April 30, 2014 and on April 7, 2014 the trustee made a motion to have the case dismissed from failure to commence payments:
 - b. My Chapter 13 Plan payment was \$1,096.11 monthly.
 - c. I was unemployed from August 2014 to November 2, 2014.
 - d. I moved from New York to Virginia.
5. I believe that the stability in my income will enable me to successfully complete this bankruptcy case.
6. I have listed all of my assets and all of our debts and have fully and accurately disclosed all of my income and expenses in the Schedules in this case.
7. I owe the following debts:
 - a. Secured Creditors: \$33,168.00
 - b. \$33,168.00. This is a home mortgage loan for real estate located in New York.
 - c. A 10% dividend to the unsecured non priority creditors which debt is \$5,651
10. My plan pays \$100 for the first month, then \$220.00 per month, which is all of my disposable income, to the Trustee for 60 months for a total to be paid in of \$13,080.
11. I desire to use the bankruptcy system to obtain a fresh start and have not been attempting to evade my responsibilities or delay my creditors' attempts to collect. The purpose of my bankruptcy filing is to re-pay my creditors the amount I can afford, and to obtain a discharge of my indebtedness.
12. My employment and income is consistent and is likely to remain so during my case. My expenses are not likely to change substantially. My income leads me to believe I will be able to make my payments to the Trustee.

WITNESS the following signature and seal this 2nd day of December 2014

/s/ Anthony L. Walker(seal)
Anthony L. Walker

CERTIFICATE OF ACKNOWLEDGMENT:

Commonwealth of Virginia,

City/County of Chesterfield, to wit:

The foregoing instrument was acknowledged before me this 2nd day of December 2014, by Anthony L. Walker

My Commission Expires: 10/31/2015 /s/ Claudia Watkins
My Registration No. is: 7385672 Notary Public

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155 N Plank Rd
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